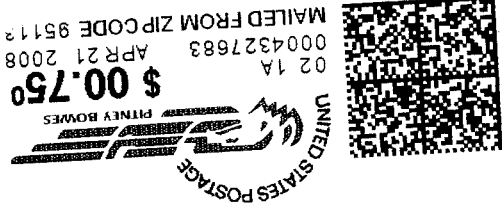


NIXIE 951 CC 1 75 04/24/08  
RETURN TO SENDER  
NO SUCH NUMBER  
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BC: 95113309500 \*0856-10022-24-28



Filed

APR 25 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

HE CLERK, U.S. DISTRICT COURT  
ERN DISTRICT OF CALIFORNIA  
TH FIRST STREET, ROOM 2112  
OSE, CALIFORNIA 95113-3095  
OFFICIAL BUSINESS  
ENALTY FOR PRIVATE USE \$300

Raul Rivera Chavez  
P. O. Box 95023  
San Jose, CA 95116

CV08-00803 JW

E-Filing, ProSe

**U.S. District Court  
California Northern District (San Jose)  
CIVIL DOCKET FOR CASE #: 5:08-cv-00803-JW  
Internal Use Only**

Chavez v. People of the State of California et al  
Assigned to: Hon. James Ware  
Cause: 28:1651 Petition for Writ of Mandamus


Date Filed: 02/05/2008  
Jury Demand: None  
Nature of Suit: 540 Mandamus & Other  
Jurisdiction: Federal Question

**Petitioner****Raul Rivera Chavez**

represented by **Raul Rivera Chavez**  
P. O. Box 95023  
San Jose, CA 95116  
(408) 299-7797  
PRO SE

V.

**Respondent****People of the State of California****Respondent****Bill Locker****Respondent****Board of Prison Terms****Respondent****Superior Court for County of Santa  
Clara**

Date Filed	#	Docket Text
02/05/2008	 <u>1</u>	PETITION (no process) (IFP Pending) for Writ of Mandamus. Filed by Raul Rivera Chavez. (cv, COURT STAFF) (Filed on 2/8/2008) (Additional attachment(s) added on 2/8/2008: # <u>1</u> pro se envelope) (cv, COURT STAFF). Modified on 2/8/2008 (cv, COURT STAFF). (Entered: 02/08/2008)

02/05/2008	● <u>2</u>	CLERK'S NOTICE re completion of In Forma Pauperis affidavit or payment of filing fee due within 30 days. (cv, COURT STAFF) (Filed on 2/5/2008) (Entered: 02/08/2008)
02/08/2008	●	(Court only) ***Set/Clear Flags (cv, COURT STAFF) (Filed on 2/8/2008) (Entered: 02/08/2008)
03/04/2008	● <u>3</u>	Mail sent to Rebecca Cohn (D), 901 Campisi Way #300, Campbell, Ca., 95008 returned as undeliverable re <u>1</u> Petition for Writ of Mandamus, <u>2</u> Clerk's Notice re: IFP. (not deliverable as addressed unable to forward) (cv, COURT STAFF) (Filed on 3/4/2008) (cv, COURT STAFF). (Entered: 03/05/2008)

E-filing

Patition for Writ of Mandate

CV 08

0803

JW (PR)

Appellant

1. Raul Rivera, Chavez, "Self," Colin, Counsel,  
vs.  
People of State of California, Bill Lockyer,  
Board of Prison Terms, Superior Court of  
Santa Clara, Respondents

Docket:

Superior Court No. 159787, CC330619,  
CC788137/9280099-9176541

Patition-Statement:

Writ of Mandate, attached;  
Statement. Date: Jan. 19th 2008.

I Raul R. Chavez, the Patitioner and Defendant in the above-caption case,  
state: that in the action entitled: People of The State of California vs.  
Raul, Rivera, Chavez, Criminal Action No. CC788137. The Respondent in  
the Superior Court of The County of Santa Clara.  
Grounds for which I seek releif On: Jan. 9th 08. I motion Judge -  
Nadler of Breech of Duty by counsel: J. Delgado, for Subpoena of  
Written Police Reports. Majistrate made comment counsel don't ha-  
ve to obtain anything. She, counsel. stated: she get Abstract of Jud-  
gemet Computer Printed Reproduction Offical Record for Pre-Lim.  
On: Jan. 10-08. I waived Marsden Motion-disqualify counsel. made Prior  
day I let counsel know that on: Judge May 10-21-92. Feloney Minut-  
es Committment Certification Term of 10 Mth's Top/Bottom. Nolo-  
Contender P.C. §42.29 Conditional Plea Agreement Sentencing Pro-  
ceedures §91.20 [e] n17 Yet on: Record states P.C. §288(a) oral co-  
-pulation. This is not my Charge and I was not required to Regest-  
er P.C. §290. my matter acusation L.&L., No Physical Evidence §91.21 [2].  
violated; waived formal Probation Report. "Credits Only Agreeeme-  
nt. at: Final Judgement on: 11-13-92. concerning §91.20 [e] n118 Req-  
uest to Pull Plea Back. denied also, Courts had Sealed my Case.  
also on: 10th of Jan. 08. Delgado stated Court Record Reporter:  
"Sandy Ney" didn't error Penal Code stated with small (a) was L.&L.  
On: Dec. 4th 07. Granted Faretta Waiver. filed in Triplicate: CR-125/JV-  
(1.)

08-803 JV

Patition for Writ of Mandate / Statement

Raul, Rivera, Chavez, Self, Colin, CC788137,

vs.  
People of State of California, Entity's Employed.

Follow Up Page

-525 with Division Leaal Resources Coordinator on: 12-11-07. Yet ret-  
urned for signature by defendant and to remail to Shreff Dep-  
t. on: Jan. 10th 08. Motion for Submission in triplicate Records  
and other Duces Tecum sent by order of Judac Maione to verify  
dismissal of Faretta and Challenge along with Proof of Service.  
That Documents Court Seal be made official on The Record.  
were returned after I.O.C. Present in Court on: Dec. 26th 07. It is  
a Miscrage of Justice and I address This Court To Grant Writ  
of Mandate by Reviewing Prior Submitted Records under Doc-  
ket: C-94-20378 JW / #: 5:06-CV-00069 JW and other archive reco-  
rds under different docket No.'s Under (P.C. §§ 7391009) Dismiss-  
under P.C. § 995. Patitioner has no plain speedy and adequate remedy  
in the ordinary course of Law other than the relief sought in this Pa-  
tition. That on: Feb. 7th 08. with counsel Henry Colin, at: Prelim-He-  
aring other than fileing Appeal after the comission of void act.  
This Patition is accompanied by a supporting memorandum of Points  
and authorities on all appropriate points. Wherefore Patitioner Req-  
uest: For such other and further relief as the court deems just and  
proper.

I state that this Patition is true and correct, and under Penalty of Perju-  
ry, execute it at: San Jose, California. 95110. on: January 19th 2008.

Dated: 01-19-08. Raul Rivera Chavez Raul Rivera Chavez  
Appellant

(2.) Final

U.S. Federal Court of Northern District  
of California, 450 Golden Gate Ave. San  
Francisco Calif. 94102. Hon. R. Seeborg

Patition of Writ of Mandate - Statement

Raul, Rivera, Chavez, CC788137, Colin,  
vs. CC068582

Superior Court of Santa Clara Judge Nadler, Dept. #23  
People of State of California. Bill Lockyer, Date: Jan. 19th 08.

Your Honor, I ask and Request to intervene in This matter that  
my Rights be Protected under The U. S. Constitution.  
I have suffered Prejudice for Error By Clerk on 10-21-92.  
concerning False Charge which suffered me vindict-  
ive denials by courts being discriminated due to sever-  
ity of The Charge which I claim is not correct to wh-  
which I Pleaded to in Judge May Hearing in Oct. 21-1992.  
I have suffered Prison and related Requirements to  
Penal Code alligation on my Rap Sheet causing me  
Physical and Mental Anguish also due to case CC068-  
-582 Sentenced: 04/08/2000. Due Process Violations on  
this case at Judge Lisk, by counsel; Lopez, and Public  
Defenders Office. not obtaining Duces Tecum Subpoena  
I include in This Patition. I am Grived due to lack of  
Officials ignoring Review to my Claims I submit I  
Demand Justice Be Served In My Behalf, By This  
Court in up comming Preliminary Hearing On: 02-07-08.

I state under Penalty of Perjury Patition-Statement True  
and Correct Execute it at: San Jose, Ca. 95110, On: Jan-  
-uary 19th 2008.

Dated: 01-19th 08. Raul, Rivera Chavez Raul Rivera Chavez

CR-125/JV-525

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>Raul, Rivera, Chavez, 07082733 Self</b>		FOR COURT USE ONLY
TELEPHONE NO:	FAX NO (Optional)	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name): <b>Raul, Rivera, Chavez,</b>		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Santa Clara</b>		
STREET ADDRESS: <b>190 W. Hedding St</b>		CASE NUMBER <b>CC 788137</b>
MAILING ADDRESS:		
CITY AND ZIP CODE: <b>San Jose, Calif. 95110</b>		
BRANCH NAME: <b>Dept. 23</b>		
CASE NAME: <b>Raul, Rivera, Chavez,</b>		
ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: Subpoena/Subpoena Duces Tecum		

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

1. To: (name or business) **San Jose Police Dept. / Santa Clara Court, Santa Clara, Ca.**

2. You must follow the court order(s) checked below:

- a. ☐ Attend the hearing.
- b. ☐ Attend the hearing and bring all items checked in c. below.
- c. ☒ Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):  
 (1) **Case: CC 068582 Handwritten on site Police Reports dated: 4/12/2000**  
 (2) **Case: 159787 Handwritten on site victim statement Police Report dated: 4/13/2000**  
 (3) **Court Certification Docket of sentence Oct. 21-92 By Judge May**  
 If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items." Santa Clara Court Bldg.
- d. ☐ If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
- e. ☐ If this box is checked and you deliver all items listed above to the court within 5 days of service of this order, you do not have to attend court if you follow the instructions in item 5.

3. Court Hearing Date: The court hearing will be at (name and address of court):  
 Date: **02/07/08** Time: **9:30** **Superior Court 190 W. Hedding St.**  
 Dept.: **23** Rm.: **San Jose, Ca. 95110.**  
 Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.

4. The person who has required you to attend court or provide documents is:

Name: **Raul, Rivera, Chavez** Phone No.:  
 Address: **885 N. San Pedro St M.T.N. 6-A-28-L**  
 Number, Street, Apt. No.  
**San Jose, California 95110.**  
 City State Zip

Date: **Jan. 29th 08.** Signature: **Raul Rivera Chavez**  
 Name and Title

FOR COURT USE ONLY



### PROOF OF SERVICE BY MAIL

I, Raul, Rivera, Chavez, declare:

I am, and was at the time of the service hereinafter mentioned, over the age of 18 years and is a party to the above-entitled cause. My (residence or business) address is

51 Fairview Ct. Hollister, Calif. 95023, - P.O. Box, -  
-95053, San Jose, Calif. 95126.

and I am a resident of, or employed in, Santa Clara County, California.

On the date of January 19th 2008, I served the U.S. Federal

Court Petition of Writ of Mandate, Civil Cover

Sheet Prisoner Funds Form 9395 dated: 12/27/07 - 1/15/08

- CR-125/JV-525, Statement and Proof of Service Total (8) sheet  
(exact title of document(s) served)  
by depositing a copy of the document(s) in the United States mail at

(location) Alviso City, (city) Santa Clara

Bay Area County, California in a sealed envelope, with postage fully prepaid, addressed as follows: (In the space below insert the name and mailing address of each person you are serving with these documents. If the person is a party to the action or an attorney for a party, indicate that with the address). United States Northern District Federal Court of Calif. 450 Golden Gate Ave. Hon. Judge Seebor-g San Francisco, Calif. 94102.

At the time of mailing there was regular delivery of United States mail between the place of deposit and the place of address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 01-19-2008

Raul Rivera Chavez,  
(Signature of person mailing)

Raul Rivera Chavez,  
(Name of person mailing, typed or printed)

CC788137

ORDER DATE: 12-29-98

OFF 100-70544

FUND BAL.

51014-001

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 08-10-2001 BY 60322 UCBAW

123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

## DESCRIPTION

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2

OFFICE

09-7685 100-00

1990

CHILDREN BANNER

95

Page # 54860 ENVELOPE 277

2000

2000

SUB-TOTAL

25

SALES TAX

55

ORDER TOTAL

45

FUND BALANCE

100

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

**Abstract**

## RESULTS

SAFE OFFICE

### Insufficient Funds

NO DAMAGE HERE

CATEGORY / DEFENSE



**INMATE COMMISSARY CONCERN FORM**  
Santa Clara County Department of Corrections

CC788137 <sup>28</sup>  
TRACKING NUMBER

9395 ✓

**KEEFE COMMISSARY NETWORK**

Category Legend:	
Missing/Shortages	1
Wrong Product Sent	2
Vending	3
Miscellaneous	4

Date Sent: ~~12-19-07~~ 12-26-07

Name: Raul Rivera Chavez

PFN#: BCF562

Location: MJN.6-A-28-L

Category: 1

Concern: On both dates above I sent commissary  
Order Form correctly filled out and signed  
no delivery by canteen on both submitted  
orders do you have log on submitted forms  
for reason why Product not delivered. Proof of Service  
Date: 12-27th 07

Response: You ordered indigent items but you have  
\$ 7.56 on your books. You cannot order  
indigent items if you have money. D. Bega

